



west virginia department of environmental protection

Division of Water and Waste Management
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Harold D. Ward, Cabinet Secretary
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**CONSENT ORDER
ISSUED UNDER THE
WATER POLLUTION CONTROL ACT
WEST VIRGINIA CODE CHAPTER 22, ARTICLE 11**

TO: Mayor Phil Serevicz
Town of New Haven
P.O. Box 217
New Haven, WV 25265

DATE: January 11, 2022

ORDER NO.: 9065

INTRODUCTION

This Consent Order is issued by the Director of the Division of Water and Waste Management (hereinafter “Director”), under the authority of West Virginia Code 22-11-1 et seq. to Town of New Haven (hereinafter “New Haven”).

FINDINGS OF FACT

In support of this Order, the Director hereby finds the following:

1. New Haven operates and maintains a wastewater collection system and a 0.4 million gallons per day contact stabilization wastewater treatment plant located in New Haven, Mason County, West Virginia. New Haven was reissued WV/NPDES Water Pollution Control Permit No. WV0032531 on July 25, 2012 and August 2, 2017.
2. On March 10, 2017, West Virginia Department of Environmental Protection (WVDEP) and New Haven entered into Order No. 8583. The Order was issued in response to New Haven’s failure to submit Inflow and Infiltration (I&I) reports, operation/maintenance deficiencies, failure to report spills, and Discharge Monitoring Report (DMR) exceedances.
3. On February 8, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia Legislative Rules and the WV/NPDES permit were observed and documented:

Promoting a healthy environment.

- a. 47CSR11 Section 2.2.a-New Haven failed to immediately notify the Emergency Notification Spill Number of an unpermitted bypass that discharged into waters of the State from the manhole prior to the Park Pump Station located off Rt. 62.
- b. 47CSR2 Section 3.2.a- New Haven caused conditions not allowable by creating distinctly visible settleable solids in waters of the State, which was a result of the aforementioned bypass from the manhole prior to the Park Pump Station.
- c. Appendix A.II.1-New Haven failed to properly operate and maintain the facility. Specifically:
 - i. Multiple units in the wastewater treatment plant were not operational, including the barscreen, grit chamber, primary clarifiers, and sludge holding tank.
 - ii. There was a full fifty-five (55) gallon drum, with a "corrosive/oxidizer" label, beside the aeration chamber with no secondary containment.
 - iii. Large masses of sludge and debris were in the clarifier, and the wastewater in the clarifier had no clarity.
 - iv. Chlorine and sulfur dioxide (dechlor) gas tanks were empty.
 - v. Wastewater in the chlorine contact chamber had no clarity and appeared turbid.
 - vi. Sludge in the sludge holding tank appeared weak, with a watery yellow/brown color.
 - vii. The plant operator represented that he is unable to drain sludge from the sludge holding tank to the belt press due to broken parts.
 - viii. The effluent appeared turbid.
- d. Section C.6-New Haven failed to submit Discharge Monitoring Reports (DMRs).

As a result of the aforementioned violations, Notice of Violation (NOV) Nos. W19-026-010-CJN, W19-026-011-CJN, W19-026-030-CJN, and W19-026-031-CJN were issued to New Haven.

4. On February 11, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, a violation of the following section of West Virginia Legislative Rules was observed and documented:
 - a. 47CSR2 Section 3.2.a- New Haven caused conditions not allowable by creating distinctly visible settleable solids in waters of the State, which was a result of a bypass from the manhole prior to the Park Pump Station.
5. On March 12, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, a violation of the following section of West Virginia Legislative Rules was observed and documented:
 - a. 47CSR2 Section 3.2.a- New Haven caused conditions not allowable by creating distinctly visible settleable solids in waters of the State, which was a result of a bypass from the manhole prior to the Park Pump Station.
6. On March 13, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, a violation of the following section of West Virginia Legislative Rules was observed and documented:

- a. 47CSR2 Section 3.2.a- New Haven caused conditions not allowable by creating distinctly visible settleable solids in waters of the State, which was a result of a bypass from the manhole prior to the Park Pump Station.
7. On March 18, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, a violation of the following section of West Virginia Legislative Rules was observed and documented:
 - a. 47CSR2 Section 3.2.a- New Haven caused conditions not allowable by creating distinctly visible settleable solids in waters of the State, which was a result of a bypass from the manhole prior to the Park Pump Station.
8. On March 27, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, a violation of the following section of West Virginia Legislative Rules was observed and documented:
 - a. 47CSR2 Section 3.2.a- New Haven caused conditions not allowable by creating distinctly visible settleable solids in waters of the State, which was a result of a bypass from the manhole prior to the Park Pump Station.
9. On April 1, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, a violation of the following section of West Virginia Legislative Rules was observed and documented:
 - a. 47CSR2 Section 3.2.a- New Haven caused conditions not allowable by creating distinctly visible settleable solids in waters of the State, which was a result of a bypass from the manhole prior to the Park Pump Station.
10. On April 11, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, a violation of the following section of West Virginia Legislative Rules was observed and documented:
 - a. 47CSR2 Section 3.2.a- New Haven caused conditions not allowable by creating distinctly visible settleable solids in waters of the State, which was a result of a bypass from the manhole prior to the Park Pump Station.
11. On April 22, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, a violation of the following section of West Virginia Legislative Rules was observed and documented:
 - a. 47CSR2 Section 3.2.a- New Haven caused conditions not allowable by creating distinctly visible settleable solids in waters of the State, which was a result of a bypass from the manhole prior to the Park Pump Station.
12. On May 3, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia State Code and the WV/NPDES permit were observed and documented:

- a. Appendix A.II.1-New Haven failed to properly operate and maintain the facility. Specifically:
 - i. The barscreen, grit chamber, and the primary clarifiers were being bypassed and were full of solids.
 - ii. There was poor clarity, septic conditions, and floating solids in both of the secondary clarifiers.
 - iii. There was poor water clarity and floating solids in the chlorine contact chamber.
 - iv. The sludge holding tank was not operating properly. Sludge could not be wasted to the sludge holding tank, because the return activated sludge (RAS) lines in the secondary clarifiers were not operational.
- b. Section C.21-New Haven failed to submit quarterly Inflow and Infiltration (I&I) reports to WVDEP.
- c. 22-11-1 et seq.- New Haven failed to comply with the terms and conditions of Order for Compliance Item No. Two (2) of Order No. 8583. Specifically, New Haven failed to complete the following tasks by October 2016, as outlined in the approved Plan of Corrective Action (POCA): remove solids build-up and routinely clean the weirs, launders, and walls of the secondary clarifiers; continue to monitor solids in the secondary clarifiers to prevent build-up that can be washed out during excessive inflow; continue to report all spills; and continue to submit quarterly I&I reports.

As a result of the aforementioned violations, NOV Nos. W19-026-001-RTH, W19-026-002-RTH and W19-026-003-RTH were issued to New Haven.

13. On July 23, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia State Code and the WV/NPDES permit were observed and documented:
- a. Section C.21 – New Haven failed to submit quarterly I&I reports to WVDEP.
 - b. 22-11-1 et seq.- New Haven failed to comply with the terms and conditions of Order for Compliance Item No. Two (2) of Order No. 8583. Specifically, New Haven failed to complete the following tasks by October 2016, as outlined in the approved Plan of Corrective Action (POCA): remove solids build-up and routinely clean the weirs, launders, and walls of the secondary clarifiers; continue to monitor solids in the secondary clarifiers to prevent build-up that can be washed out during excessive inflow; continue to report all spills; and continue to submit quarterly I&I reports.
 - c. Section C.22 and Appendix A.II.5 – New Haven discharged from an unpermitted point, resulting in a failure to remove substances in a manner and at a site approved by WVDEP. Specifically, solids were discharging from the aforementioned unpermitted bypass at the manhole prior to the Park Pump Station.
 - d. Appendix A.II.1 – New Haven failed to properly operate and maintain the facility. Specifically:
 - i. The mechanical bar screen was not functioning, and there was build-up in the grit channel.

- ii. Primary clarifiers were being bypassed, were septic, and had a build-up of solids.
- iii. Poor clarity, septic conditions, and floating solids were present in both secondary clarifiers. The return activated sludge (RAS) lines were not functioning, and sludge needed to be removed from the clarifiers.
- iv. The chlorine contact chamber had poor clarity and floating solids.
- e. Section A.001 – New Haven exceeded its permit parameters.

As a result of the aforementioned violations, NOV Nos. W19-26-013-DMW; W19-26-014-DMW; W19-26-015-DMW; W19-26-016-DMW; W19-26-017-DMW; and W19-26-018-DMW were issued to New Haven.

14. On January 13, 2020, WVDEP personnel conducted a review of facility records from the time period of December 1, 2017 through November 30, 2019. During this review, the following violations of the terms and conditions of New Haven's WV/NPDES permit were observed:

- a. Section A.001 - One hundred eighteen (118) exceedances of New Haven's permit parameters were observed and documented (Table 1). These exceedances can be further defined as:
 - i. Minor violations- Fifty (50)
 - ii. Moderate violations- Fifty-four (54)
 - iii. Major violations- Fourteen (14)
- b. Sections A.001 and C.6 – Town of New Haven failed to properly submit DMRs. Specifically, Town of New Haven failed to submit sample results for the following parameters: pH for December 2017 through April 2019; Total Nitrogen for 2018; Total Phosphorus for 2018; Total Recoverable Lead for 2018; Total Recoverable Copper for 2nd quarter 2018; Flow for December 2017 through April 2019 and June 2019 through September 2019; and Total Residual Chlorine for December 2017 through April 2019.
- c. Sections A.001 and C.6 – Town of New Haven failed to submit DMRs within twenty (20) days after the end of the reporting period. Specifically, New Haven did not submit DMRs for any of the following twenty (20) reporting periods until August 2019: December 2017 through July 2019 (July 2019 DMRs were not submitted until August 24, 2019).
- d. Section C.21 – New Haven failed to submit any I&I reports for the previous eight (8) quarters.
- e. Section D.1 – New Haven failed to submit any monthly Sewage Sludge Management Reports.

15. On January 7, 2021, WVDEP personnel and representatives of New Haven met to discuss the terms and conditions of this Order.

16. On November 22, 2021 and January 4, 2022, New Haven submitted financial documents to WVDEP. The provided information was used to perform an economic analysis which evaluated New Haven's ability to pay a civil administrative penalty.

ORDER FOR COMPLIANCE

Now, therefore, in accordance with West Virginia State Code 22-11-1 et seq., it is hereby agreed between the parties, and ORDERED by the Director:

1. New Haven shall immediately take all measures to initiate compliance with all terms and conditions of its WV/NPDES permit and pertinent laws and rules.
2. Because of New Haven's Legislative Rule and permit violations, New Haven shall be assessed a civil administrative penalty of five thousand dollars (\$5,000) to be paid to the West Virginia Department of Environmental Protection for deposit in the Water Quality Management Fund in accordance with the following twelve (12) month payment schedule: Four hundred sixteen dollars and sixty-six cents (\$416.66) shall be submitted within thirty (30) days after the effective date of this Order and by the first day of each month thereafter for the next ten (10) months. Four hundred sixteen dollars and seventy-four cents (\$416.74) shall be submitted by the first day of the final month.

Payments made pursuant to this paragraph are not tax-deductible for purposes of State or federal law. **Payment shall include a reference to the Order No. and shall be mailed to:**

**Chief Inspector
Environmental Enforcement - Mail Code #031328
WV-DEP
601 57th Street SE
Charleston, WV 25304**

OTHER PROVISIONS

1. New Haven hereby waives its right to appeal this Order under the provisions of West Virginia State Code 22-11-21. Under this Order, New Haven agrees to take all actions required by the terms and conditions of this Order and consents to and will not contest the Director's jurisdiction regarding this Order. However, New Haven does not admit to any factual and legal determinations made by the Director and reserves all rights and defenses available regarding liability or responsibility in any proceedings regarding New Haven other than proceedings, administrative or civil, to enforce this Order.
2. The Director reserves the right to take further action if compliance with the terms and conditions of this Order does not adequately address the violations noted herein and reserves all rights and defenses which he may have pursuant to any legal authority, as well as the right to raise, as a basis for supporting such legal authority or defenses, facts other than those contained in the Findings of Fact.
3. If any event occurs which causes delay in the achievement of the requirements of this Order, New Haven shall have the burden of proving that the delay was caused by circumstances beyond its reasonable control which could not have been overcome by due diligence (i.e., force majeure). Force majeure shall not include delays caused or

contributed to by the lack of sufficient funding. Within three (3) working days after New Haven becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and New Haven shall, within ten (10) working days of initial notification, submit a detailed written explanation of the anticipated length and cause of the delay, the measures taken and/or to be taken to prevent or minimize the delay, and a timetable by which New Haven intends to implement these measures. If the Director agrees that the delay has been or will be caused by circumstances beyond the reasonable control of New Haven (i.e., force majeure), the time for performance hereunder shall be extended for a period of time equal to the delay resulting from such circumstances. A force majeure amendment granted by the Director shall be considered a binding extension of this Order and of the requirements herein. The determination of the Director shall be final and not subject to appeal.

4. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving New Haven of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject New Haven to additional penalties and injunctive relief in accordance with the applicable law.
5. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.
6. This Order is binding on New Haven, its successors and assigns.
7. This Order shall terminate upon New Haven's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.



Mayor Phil Serevycz
Town of New Haven

Jan 16, 2022

Date

Public Notice begin:

Date

Public Notice end:

Date

Katheryn Emery, P.E., Acting Director
Division of Water and Waste Management

Date



2/8/19 – Non-operating headworks



2/8/19 – Non-operating grit chamber



2/8/19 – Hoses bypassing headworks and primary clarifiers



2/8/19 – Primary Clarifier

Town of New Haven Photo Log



2/8/19 – Drum by aeration chamber with no secondary containment



2/8/19 – Secondary clarifier



2/8/19-Secondary clarifier



2/8/19 – Sludge drying beds that are used to pump excess wastewater from primary clarifier



2/8/19 – SSO at manhole by New Haven storage units



2/8/19 – SSO at manhole by New Haven storage units



2/11/2019 –Manhole prior to the Park Pump Station



2/11/2019 –Flow bypassing manhole prior to the Park Pump Station

Town of New Haven Photo Log



2/11/2019 –Flow from the manhole in the distance



2/11/2019 –Deposited solids

Town of New Haven Photo Log



03/12/2019 – Sewage bypassing from manhole



03/12/2019 – Sewage and road drain confluence

Town of New Haven Photo Log

Photo Attachment



3/13/2019 –Manhole prior to the Park Pump Station



3/13/2019 –Solids from the bypass

Town of New Haven Photo Log



3/13/2019 –Manhole prior to the Park Pump Station



3/13/2019 – Sewage deposits downstream from manhole bypass



03/12/2019 – Solids deposited downstream



03/18/2019 – Sewage bypassing from manhole



03/18/2019 – Sewage and road drain confluence



03/18/2019 – Solids deposited downstream

Town of New Haven Photo Log



03/27/2019 – Sewage bypassing from manhole



03/27/2019 – Sewage and road drain confluence

Town of New Haven Photo Log



03/27/2019 – Solids deposited downstream



04/01/2019 – Sewage bypassing from manhole

Town of New Haven Photo Log



04/01/2019 – Sewage and road drain confluence



04/01/2019 – Sewage deposited downstream

Town of New Haven Photo Log



04/11/2019 – Sewage bypassing from manhole



04/11/2019 – Sewage and road drain confluence

Town of New Haven Photo Log



04/22/2019 – Sewage bypassing from manhole



04/22/2019 – Sewage and road drain confluence

Town of New Haven Photo Log

Photo Attachment



5/3/2019 –Bar screen



5/3/2019 –Screw type screen in disrepair



5/3/2019 –Grit channel



5/3/2019 –Grit channel

Town of New Haven Photo Log



5/3/2019 –Grit channel



5/3/2019 –Out of service primary clarifiers

Town of New Haven Photo Log



5/3/2019 –Out of service primary clarifiers



5/3/2019 –Out of service primary clarifiers



5/3/2019 –Clarifiers



5/3/2019 –Clarifiers



5/3/2019 –Clarifiers



5/3/2019 –Sludge holding/digester

Town of New Haven Photo Log



5/3/2019 – Poor clarity and floating solids in the chlorine contact chamber



5/3/2019 – Flow discharging from the chlorine contact chamber



5/3/2019 –Motor No 1 in the off position at the Park Pump Station



5/3/2019 –SSO/spill at the manhole prior to the Park Pump Station



5/3/2019 –SSO/spill at the manhole prior to the Park Pump Station



5/3/2019 –SSO/spill at the manhole prior to the Park Pump Station



7/23/2019 – the condition of the bar screen.



7/23/2019 – the screw type screen.

Town of New Haven Photo Log



7/23/2019 – condition in the grit channel.



7/23/2019 – the grit channel.

Town of New Haven Photo Log



7/23/2019 – septic conditions in primary clarifiers.



7/23/2019 – the out of service primary clarifiers.

Town of New Haven Photo Log



7/23/2019 – out of service primary clarifiers.



7/23/2019 – solids build-up during aeration.



7/23/2019 – conditions in the clarifiers.



7/23/2019 – conditions in the clarifiers.



7/23/2019 – conditions in the clarifiers.



7/23/2019 – conditions in the clarifiers.



7/23/2019 – conditions in sludge holding/digester.



7/23/2019 – poor clarity and floating solids in the chlorine contact chamber.



7/23/2019 – the spill at the manhole prior to the Park Pump Station.



7/23/2019 – the spill at the manhole prior to the Park Pump Station.

Table One: Town of New Haven DMR Exceedance Summary

Outlet 001 DMR Exceedances - AVG. MONTHLY - 12/1/2017 through 11/30/2019						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
1/2018	BOD, 5-Day 20 Deg C	mg/L	30	44	47%	-	X	-
3/2018	BOD, 5-Day 20 Deg C	mg/L	30	64	113%	-	X	-
4/2018	BOD, 5-Day 20 Deg C	mg/L	30	59	97%	-	X	-
5/2018	BOD, 5-Day 20 Deg C	mg/L	30	111	270%	-	X	-
6/2018	BOD, 5-Day 20 Deg C	mg/L	30	95	217%	-	X	-
10/2018	BOD, 5-Day 20 Deg C	mg/L	30	66	120%	-	X	-
4/2019	BOD, 5-Day 20 Deg C	mg/L	30	42	40%	X	-	-
6/2019	BOD, 5-Day 20 Deg C	mg/L	30	39	30%	X	-	-
7/2019	BOD, 5-Day 20 Deg C	mg/L	30	101	237%	-	X	-
11/2019	BOD, 5-Day 20 Deg C	mg/L	30	46.8	56%	-	X	-
12/2017	Total Suspended Solids	mg/L	30	44	47%	-	X	-
2/2018	Total Suspended Solids	mg/L	30	81	170%	-	X	-
3/2018	Total Suspended Solids	mg/L	30	48	60%	-	X	-
4/2018	Total Suspended Solids	mg/L	30	36	20%	X	-	-
5/2018	Total Suspended Solids	mg/L	30	50	67%	-	X	-
6/2018	Total Suspended Solids	mg/L	30	38	27%	X	-	-
8/2018	Total Suspended Solids	mg/L	30	53	77%	-	X	-
10/2018	Total Suspended Solids	mg/L	30	37	23%	X	-	-
11/2018	Total Suspended Solids	mg/L	30	54	80%	-	X	-
12/2018	Total Suspended Solids	mg/L	30	40	33%	X	-	-
1/2019	Total Suspended Solids	mg/L	30	63	110%	-	X	-
4/2019	Total Suspended Solids	mg/L	30	65	117%	-	X	-
5/2019	Total Suspended Solids	mg/L	30	60	100%	-	X	-
6/2019	Total Suspended Solids	mg/L	30	85	183%	-	X	-
7/2019	Total Suspended Solids	mg/L	30	88	193%	-	X	-
8/2019	Total Suspended Solids	mg/L	30	98	227%	-	X	-
10/2019	Total Suspended Solids	lbs/day	100	328.3	228%	-	X	-
10/2019	Total Suspended Solids	mg/L	30	96	220%	-	X	-
11/2019	Total Suspended Solids	lbs/day	100	124.5	25%	X	-	-
11/2019	Total Suspended Solids	mg/L	30	99.5	232%	-	X	-
1/2018	Ammonia Nitrogen	mg/L	10.3	21.9	113%	-	X	-
3/2018	Ammonia Nitrogen	mg/L	10.3	19.9	93%	-	X	-
4/2018	Ammonia Nitrogen	mg/L	10.3	21	104%	-	X	-
5/2018	Ammonia Nitrogen	mg/L	10.3	21.8	112%	-	X	-
6/2018	Ammonia Nitrogen	mg/L	10.3	26	152%	-	X	-
8/2018	Ammonia Nitrogen	mg/L	10.3	17.9	74%	-	X	-
10/2018	Ammonia Nitrogen	mg/L	10.3	21.9	113%	-	X	-
11/2018	Ammonia Nitrogen	mg/L	10.3	16.3	58%	-	X	-
12/2018	Ammonia Nitrogen	mg/L	10.3	23.9	132%	-	X	-
1/2019	Ammonia Nitrogen	mg/L	10.3	16.6	61%	-	X	-
2/2019	Ammonia Nitrogen	mg/L	10.3	11.4	11%	X	-	-
3/2019	Ammonia Nitrogen	mg/L	10.3	26	152%	-	X	-
4/2019	Ammonia Nitrogen	mg/L	10.3	30.2	193%	-	X	-
5/2019	Ammonia Nitrogen	mg/L	10.3	20.4	98%	-	X	-
7/2019	Ammonia Nitrogen	mg/L	10.3	26.9	161%	-	X	-
8/2019	Ammonia Nitrogen	mg/L	10.3	24.9	142%	-	X	-
9/2019	Ammonia Nitrogen	mg/L	10.3	35.6	246%	-	X	-
10/2019	Ammonia Nitrogen	lbs/day	34	37.96	12%	X	-	-
10/2019	Ammonia Nitrogen	mg/L	10.3	11.1	8%	X	-	-
11/2019	Ammonia Nitrogen	mg/L	10.3	12.4	20%	X	-	-
10/2019	Total Residual Chlorine	mg/L	0.028	0.39	1293%	-	-	X
7/2019	Fecal Coliform	cnts/100 ml	200	24190	11995%	-	-	X
8/2019	Fecal Coliform	cnts/100 ml	200	1020	410%	-	-	X

Table One: Town of New Haven DMR Exceedance Summary

Outlet 001 DMR Exceedances - MAX. DAILY - 12/1/2017 through 11/30/2019						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
3/2018	BOD, 5-Day 20 Deg C	mg/L	60	64	7%	X	-	-
5/2018	BOD, 5-Day 20 Deg C	mg/L	60	111	85%	X	-	-
6/2018	BOD, 5-Day 20 Deg C	mg/L	60	95	58%	X	-	-
10/2018	BOD, 5-Day 20 Deg C	mg/L	60	66	10%	X	-	-
7/2019	BOD, 5-Day 20 Deg C	mg/L	60	101	68%	X	-	-
2/2018	Total Suspended Solids	mg/L	60	81	35%	X	-	-
1/2019	Total Suspended Solids	mg/L	60	63	5%	X	-	-
4/2019	Total Suspended Solids	mg/L	60	65	8%	X	-	-
6/2019	Total Suspended Solids	mg/L	60	85	42%	X	-	-
7/2019	Total Suspended Solids	mg/L	60	88	47%	X	-	-
8/2019	Total Suspended Solids	mg/L	60	98	63%	X	-	-
9/2019	Total Suspended Solids	mg/L	60	70	17%	X	-	-
10/2019	Total Suspended Solids	lbs/day	200	328.3	64%	X	-	-
10/2019	Total Suspended Solids	mg/L	60	96	60%	X	-	-
11/2019	Total Suspended Solids	mg/L	60	99.5	66%	X	-	-
1/2018	Ammonia Nitrogen	mg/L	20.7	21.9	6%	X	-	-
4/2018	Ammonia Nitrogen	mg/L	20.7	21	1%	X	-	-
5/2018	Ammonia Nitrogen	mg/L	20.7	21.8	5%	X	-	-
6/2018	Ammonia Nitrogen	mg/L	20.7	26	26%	X	-	-
10/2018	Ammonia Nitrogen	mg/L	20.7	21.9	6%	X	-	-
12/2018	Ammonia Nitrogen	mg/L	20.7	23.9	15%	X	-	-
3/2019	Ammonia Nitrogen	mg/L	20.7	26	26%	X	-	-
4/2019	Ammonia Nitrogen	mg/L	20.7	30.2	46%	X	-	-
7/2019	Ammonia Nitrogen	mg/L	20.7	26.9	30%	X	-	-
8/2019	Ammonia Nitrogen	mg/L	20.7	24.9	20%	X	-	-
9/2019	Ammonia Nitrogen	mg/L	20.7	35.6	72%	X	-	-
10/2019	Total Residual Chlorine	mg/L	0.057	0.39	584%	-	X	-
7/2019	Fecal Coliform	cnts/100 ml	400	24190	5948%	-	-	X
8/2019	Fecal Coliform	cnts/100 ml	400	1020	155%	-	X	-

Outlet 001 Exceedances - Minimum 85% Removal - 12/1/2017 through 11/30/2019						Degree of non-compliance		
Date	Parameter	Units	Permitted Minimum % Removal	Reported % Removal	% Exceedance	Min	Mod	Maj
1/2018	BOD % Removal	%	85.0	36	57.6%	-	X	-
2/2018	BOD % Removal	%	85.0	58	31.8%	X	-	-
3/2018	BOD % Removal	%	85.0	76	10.6%	X	-	-
4/2018	BOD % Removal	%	85.0	73	14.1%	X	-	-
5/2018	BOD % Removal	%	85.0	25	70.6%	-	-	X
6/2018	BOD % Removal	%	85.0	0	100.0%	-	-	X
8/2018	BOD % Removal	%	85.0	72	15.3%	X	-	-
9/2018	BOD % Removal	%	85.0	58	31.8%	X	-	-
10/2018	BOD % Removal	%	85.0	29	65.9%	-	X	-
1/2019	BOD % Removal	%	85.0	83	2.4%	X	-	-
2/2019	BOD % Removal	%	85.0	74	12.9%	X	-	-
4/2019	BOD % Removal	%	85.0	32	62.4%	-	X	-
6/2019	BOD % Removal	%	85.0	-0.23	100.3%	-	-	X
7/2019	BOD % Removal	%	85.0	75	11.8%	X	-	-
11/2019	BOD % Removal	%	85.0	75	11.8%	X	-	-
12/2017	Suspended Solids % Removal	%	85.0	68	20.0%	X	-	-
1/2018	Suspended Solids % Removal	%	85.0	60	29.4%	X	-	-
2/2018	Suspended Solids % Removal	%	85.0	-35	141.2%	-	-	X
3/2018	Suspended Solids % Removal	%	85.0	31	63.5%	-	X	-
4/2018	Suspended Solids % Removal	%	85.0	45	47.1%	-	X	-
5/2018	Suspended Solids % Removal	%	85.0	39	54.1%	-	X	-
6/2018	Suspended Solids % Removal	%	85.0	40	52.9%	-	X	-
8/2018	Suspended Solids % Removal	%	85.0	75	11.8%	X	-	-
9/2018	Suspended Solids % Removal	%	85.0	15	82.4%	-	-	X
10/2018	Suspended Solids % Removal	%	85.0	1	98.8%	-	-	X
11/2018	Suspended Solids % Removal	%	85.0	42	50.6%	-	X	-
1/2019	Suspended Solids % Removal	%	85.0	34	60.0%	-	X	-
2/2019	Suspended Solids % Removal	%	85.0	39	54.1%	-	X	-
3/2019	Suspended Solids % Removal	%	85.0	61	28.2%	X	-	-
4/2019	Suspended Solids % Removal	%	85.0	1	98.8%	-	-	X
5/2019	Suspended Solids % Removal	%	85.0	42	50.6%	-	X	-
6/2019	Suspended Solids % Removal	%	85.0	-93	209.4%	-	-	X
8/2019	Suspended Solids % Removal	%	85.0	45	47.1%	-	X	-

Table One: Town of New Haven DMR Exceedance Summary

9/2019	Suspended Solids % Removal	%	85.0	42	50.6%	-	X	-
10/2019	Suspended Solids % Removal	%	85.0	25	70.6%	-	-	X
11/2019	Suspended Solids % Removal	%	85.0	-6	107.1%	-	-	X

Outlet 001 Totals	Degree of non-compliance		
	Min	Mod	Maj
	50	54	14

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party:

Town of New Haven

Receiving Stream:**Treatment System Design Maximum Flow:** _____ **MGD****Treatment System Actual Average Flow:** _____ **MGD** (if known)

Enter FOF# and rate each finding as to Potential and Extent.

1)	Potential for Harm Factor	Factor Range	FOF#												
			3a	3b	3c	4a	5a	6a	7a	8a	9a	10a	11a	12a	13c
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1	1	1	1	1	1	1
b)	Toxicity of Pollutant	0 to 3	0	1	1	1	1	1	1	1	1	1	1	1	1
c)	Sensitivity of the Environment	0 to 3	0	1	1	1	1	1	1	1	1	1	1	1	1
d)	Length of Time	1 to 3	1	1	1	1	1	1	1	1	1	1	1	2	1
e)	Actual Exposure and Effects thereon	0 to 3	0	1	1	1	1	1	1	1	1	1	1	1	1
	Average Potential for Harm Factor		0.4	1	1	1	1	1	1	1	1	1	1	1.2	1
2)	Extent of Deviation Factor	Factor Range													
	Degree of Non-Compliance	1 to 3	3	3	3	3	3	3	3	3	3	3	3	3	3

Potential for Harm Factors:

1)c - Sensitivity of the Environment Potentially Affected (0 for "dead" stream)

1)d - Length of Time of Violation

1)e - Actual Human/Environmental Exposure and Resulting Effects thereon

Examples/Guidance:**Note:** Rate as 1 for Minor, 2 for Moderate and 3 for Major. Rate as 0 if it does not apply.

Minor = exceedance of permit limit by <=40% for Avg. Monthly or <=100% for Daily Max., exceed numeric WQ standard by <= 100%, or report doesn't contain some minor information.

Moderate = exceedance of permit limit by >= 41% and <= 300% for Avg. Monthly, >= 101% and <= 600% for Daily Max., exceed numeric WQ standard by >= 101% and <= 600% or report doesn't fully address intended subject matter.

Major = exceedance of permit limit by >= 301% for Avg. Monthly, >= 601% for Daily Max., exceed numeric WQ standard by >= 601%, failure to submit a report, failure to obtain a permit, failure to report a spill, etc. Note that a facility in SNC should be rated as major for length of time and degree of non-compliance.

Narrative WQ standard violations - case-by-case.

Continue rating Findings of Facts (FOF) here, if necessary. Otherwise, continue on Page 3.

1)	Potential for Harm Factor	Factor Range	FOF#												
			13d	14ai	14aii	14aiii	14b, 14c	14d	14e						
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1						
b)	Toxicity of Pollutant	0 to 3	1	1	1	1	0	0	0						
c)	Sensitivity of the Environment	0 to 3	1	1	1	1	0	0	0						
d)	Length of Time	1 to 3	3	1	1	1	1	1	1						
e)	Actual Exposure and Effects thereon	0 to 3	1	1	1	1	0	0	0						
	Average Potential for Harm Factor		1.4	1	1	1	0.4	0.4	0.4	No	No	No	No	No	No
2)	Extent of Deviation Factor	Factor Range													
	Degree of Non-Compliance	1 to 3	3	1	2	3	1	3	3						

		Extent of Deviation from Requirement		
		Major	Moderate	Minor
Potential for Harm to Human Health or the Environment	Major	\$8,000 to \$10,000	\$6,000 to \$8,000	\$5,000 to \$6,000
	Moderate	\$4,000 to \$5,000	\$3,000 to \$4,000	\$2,000 to \$3,000
	Minor	\$1,500 to \$2,000	\$1,000 to \$1,500	Up to \$1,000

FOF #	Potential for Harm	Extent of Deviation	Penalty	Multiple Factor	Base Penalty
3a	Minor	Major	\$1,700	1	\$1,700
3b	Minor	Major	\$2,000	1	\$2,000
3c	Minor	Major	\$2,000	1	\$2,000
4a	Minor	Major	\$2,000	1	\$2,000
5a	Minor	Major	\$2,000	1	\$2,000
6a	Minor	Major	\$2,000	1	\$2,000
7a	Minor	Major	\$2,000	1	\$2,000
8a	Minor	Major	\$2,000	1	\$2,000
9a	Minor	Major	\$2,000	1	\$2,000
10a	Minor	Major	\$2,000	1	\$2,000
11a	Minor	Major	\$2,000	1	\$2,000
12a	Moderate	Major	\$4,200	1	\$4,200
13c	Minor	Major	\$2,000	1	\$2,000
13d	Moderate	Major	\$4,400	1	\$4,400
14ai	Minor	Minor	\$1,000	37	\$37,000
14aii	Minor	Moderate	\$1,500	41	\$61,500
14aiii	Minor	Major	\$2,000	4	\$8,000
14b, 14c	Minor	Minor	\$400	20	\$8,000
14d	Minor	Major	\$1,700	8	\$13,600
14e	Minor	Major	\$1,700	24	\$40,800
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
Total Base Penalty					\$201,200

Penalty Adjustment Factors

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor

6.2.b.1 - Degree of or absence of willfulness and/or negligence - 0% to 30% increase

6.2.b.4 - Previous compliance/noncompliance history - 0% to 100% increase - based upon review of last three (3) years - Warning = maximum of 5% each, N.O.V. = maximum of 10% each, previous Order = maximum of 25% each - Consistent DMR violations for <1 year = 10% maximum, for >1 year but <2 years = 20% maximum, for >2 years but <3 years = 30% maximum, for >3 years = 40 % maximum

6.2.b.6 - Economic benefits derived by the responsible party (increase to be determined)

6.2.b.7 - Public Interest (increase to be determined)

6.2.b.8 - Loss of enjoyment of the environment (increase to be determined)

6.2.b.9 - Staff investigative costs (increase to be determined)

6.2.b.10 - Other factors

Size of Violator: 0 - 50% decrease

NOTE: This factor is not available to discharges that are causing a water quality violation. This factor does not apply to a commercial or industrial facility that employees or is part of a corporation that employees more than 100 individuals.

Avg. Daily WW Discharge Flow (gpd)	% Reduction Factor
< 5,000	50
5,000 to 9,999	40
10,000 to 19,999	30
20,000 to 29,999	20
30,000 to 39,999	10
40,000 to 99,999	5
> 100,000	0

Additional Other factors to be determined for increases or decreases on a case-by-case basis.

Public Notice Costs (cost for newspaper advertisement)

6.2.b.2 - Good Faith - 10% decrease to 10% increase

6.2.b.3 - Cooperation with the Secretary - 0% to 10% decrease

6.2.b.5 - Ability to pay a civil penalty - 0% to 100% decrease

Base Penalty Adjustments

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor	% Increase	% Decrease	Base Penalty Adjustments
6.2.b.1 - Willfulness and/or negligence -	10		\$20,120
6.2.b.4 - Compliance/noncompliance history -			\$0
6.2.b.6 - Economic benefits - (flat monetary increase)			\$0
6.2.b.7 - Public Interest - (flat monetary increase)			\$0
6.2.b.8 - Loss of enjoyment - (flat monetary increase)			\$0
6.2.b.9 - Investigative costs - (flat monetary increase)			\$0
6.2.b.10 - Other factors (size of violator)			\$0
6.2.b.10 - Additional Other Factors - Increase (flat monetary increase)			\$0
6.2.b.10 - Additional Other Factors - Decrease (flat monetary decrease)			\$0
Public Notice Costs (flat monetary increase)	\$30		\$30
6.2.b.2 - Good Faith - Increase			\$0
6.2.b.2 - Good Faith - Decrease		10	(\$20,120)
6.2.b.3 - Cooperation with the Secretary		10	(\$20,120)
6.2.b.5 - Ability to Pay		87.53	(\$176,110)
Penalty Adjustments			(\$196,200)
Penalty =			\$5,000

Estimated Economic Benefit Item	Estimated Benefit (\$)
Monitoring & Reporting	
Installation & Maintenance of Pollution Control Equipment	
O&M expenses and cost of equipment/materials needed for compliance	
Permit Application or Modification	
Competitive Advantage	
Estimated Economic Benefit	\$0
Comments: Economic benefit not warranted.	